

JOURNAL OF THE FLORIDA SENATE

Friday, April 16, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

BILLS REFERRED TO SUBCOMMITTEES

SB 408 referred to a select committee by the Chairman of the Committee on Public Schools.

INTRODUCTION

By Senators Arnold and Poston—

SB 743—A bill to be entitled An act relating to the tax on special fuels, amending section 206.86(6) to clarify the definition of user.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Plante—

SJR 744—A joint resolution proposing a revision of Section 2, Article IX of the State Constitution relating to the state board of education.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senators Thomas and Saunders—

SB 745—A bill to be entitled An act relating to water pollution; amending §§1 and 2 of chapter 70-82, Laws of Florida, appearing as §403.085, Florida Statutes, 1970 Supplement, to provide that the waste treatment requirements imposed by said section on ocean outfalls and disposal wells used for sanitary sewage disposal shall also apply to such outfalls and wells used for the discharge of industrial waste; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Poston—

SR 746—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities in conducting a study of their compliance with the requirements of federal safety standard number 9, identification and surveillance of accidents; to develop a program for identifying accident locations and for surveillance of those locations; to submit a written report, together with findings and recommendations and suggested legislation, to the senate transportation committee, and to direct the department of transportation to take steps to bring this state in further compliance with said safety standard; requesting that the senate transportation committee review the study, findings and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Poston—

SR 747—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities to conduct a study of state, county and municipal compliance with federal safety standard number 14, pedestrian safety; and to develop a program to insure the safety of pedestrians; to submit a written report with findings, recommendations and suggested legislation to the senate transportation committee and to take steps to bring this state in further compliance with such standard; and requesting the senate transportation committee to review the report, findings, and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Poston—

SR 748—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities in conducting a study of state, county and municipal compliance with the requirements of highway design, construction and maintenance, federal safety standard number 12; to develop minimum standards and publish them for public distribution; to submit a written report, together with findings, recommendations and suggested legislation, to the senate transportation committee; to direct the department of transportation to take steps to bring this state in further compliance with said minimum safety standards; and requesting the senate transportation committee to review the report, findings and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Weissenborn—

SB 749—A bill to be entitled An act relating to racing; creating §550.035, Florida Statutes; authorizing racetracks and jai alai frontons to operate an additional day; providing that proceeds be allocated to the Florida bicentennial commission for the purposes of carrying out its duties under §13.9903, Florida Statutes; providing for the transfer of unused days to other tracks or frontons; providing an effective and expiration date.

Was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Ways and Means.

By Senator Weissenborn—

SB 750—A bill to be entitled An act relating to health care for indigents; amending §458.05, Florida Statutes, as amended by chapter 70-92, Laws of Florida, and §466.14, Florida Statutes, to provide for professional practice among elderly indigents by medical doctors and dentists who are licensed in other states; providing supervision of such doctors and dentists by the department of health and rehabilitative services; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senators Weissenborn and Lewis (43rd)—

SB 751—A bill to be entitled An act relating to condominiums and cooperative apartments; adding sub-section (3) to §711.24, Florida Statutes, 1970 Supplement, as created by chapter 70-274, Laws of Florida; providing that statements and representations made in the course of advertising for the sale of condominiums and cooperative apartments shall become part of the contract for sale; providing for enforceability of obligations against the vendor; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Weissenborn and Lewis (43rd)—

SB 752—A bill to be entitled An act relating to condominiums; repealing section 2 of chapter 70-273, Laws of Florida, appearing as §711.131, Florida Statutes, 1970 Supplement, relating to the assignment by a condominium association of rights and responsibilities with respect to maintenance, management and operation contracts; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Weissenborn and Lewis (43rd)—

SB 753—A bill to be entitled An act relating to condominiums; creating §711.33, Florida Statutes, relating to sales

contracts or purchase agreements between a condominium developer or builder and a purchaser; providing that a court may find the contract or any clause of same to have been unconscionable and refuse to enforce same, may enforce the remainder of the contract without the unconscionable clause, or may limit the application of same to avoid an unconscionable result; expressing legislative intent; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Thomas—

SB 754—A bill to be entitled An act relating to junior colleges; adding paragraph (g) to section 230.754(2), Florida Statutes, authorizing junior college district board of trustees to enter lease-purchase arrangements; providing an effective date.

Was read the first time by title and referred to the Committee on Universities and Community Colleges.

By Senators Beaufort and Poston—

SB 755—A bill to be entitled An act relating to education; amending section 234.221, Florida Statutes, providing for inspection of school buses and withdrawal from service upon failure to meet requirements; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senators Saunders, Graham and Weissenborn—

SB 756—A bill to be entitled An act relating to education; providing for the creation of uniform district school food services; requiring school districts to establish and maintain food services designed to serve the needs of all children attending public schools; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

By Senator Haverfield—

SB 757—A bill to be entitled An act relating to municipal firemen's pension trust fund; repealing section 175.041(2), Florida Statutes, which provides that the chapter does not apply to unincorporated areas or governmental entities whose employees are eligible for membership in a state or county retirement system; providing an effective date.

Was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Haverfield—

SB 758—A bill to be entitled An act relating to unfair trade practices and consumer protection; adding paragraph (1) to §817.77(4), Florida Statutes, as amended by chapter 70-240, Laws of Florida, to provide that no product may be offered for sale below cost, the purchase of which would require the buying of other merchandise to obtain the lower price; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Daniel and Beaufort—

SB 759—A bill to be entitled An act relating to the Department of Commerce; amending Section 20.17, Florida Statutes, to reorganize the Department of Commerce by providing for a Division of Labor, a Division of Tourism, a Division of Economic Development, a Division of Information Services, and a Division of Administrative Services; creating a commission for review of workmen's compensation cases and providing organization, jurisdiction, compensation, and duties of the commission; transferring the voluntary mediation and conciliation service created under Section 448.06, Florida Statutes, to the Department of Commerce; amending sections 440.24, 440.25, 440.27, Florida Statutes, to conform to the commission; amending section 443.11, Florida Statutes, to create a board

of review for unemployment compensation cases; amending section 440.44(4)(b) to delete the requirement that the chief of workmen's compensation be a member of the Florida Bar; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Broxson—

SB 760—A bill to be entitled An act relating to education; amending §230.33(8)(c), Florida Statutes, to provide that the suspension of pupils shall not exceed thirty (30) days; providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

By Senator Broxson—

SB 761—A bill to be entitled An act relating to personnel of school system; amending §231.40(1)(a), Florida Statutes, to provide that each member of the instructional staff employed on a full-time basis shall be entitled to one (1) day sick leave per month; providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

By Senators Karl, Barrow, Poston, de la Parte, Arnold, Brantley, Pope, Beaufort, Johnson (29th), Broxson, Horne, Saylor, Daniel, Bell, Hollahan, Williams, Henderson, Thomas, Gong, Haverfield, Reuter, Fincher, Deeb, Ott, Wilson, Barron, Stolzenburg, Weber, Lane, Ware, Ducker, Brannen, Weissenborn, Knopke, Gunter, Bishop, Plante, Scarborough, Saunders, Graham, Myers, Boyd, McClain, Trask, Johnson (34th), Childers, Lewis (43rd) and Lewis (33rd)—

SCR 762—A Concurrent Resolution proposing that the Florida Legislature designate the week of April 18 as Library Week, designate the 21st day of April as Library Day, commending those who give their time and effort in behalf of libraries throughout Florida, and urging public support of the State's libraries.

Was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Boyd—

SB 763—A bill to be entitled An act relating to the Manatee County school board; providing nonpartisan elections for the five (5) members of said school board; providing for a referendum.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Johnson (29th)—

SB 764—A bill to be entitled An act amending Section 461.12, Florida Statutes, regarding practice of podiatry; authorizing practice in a professional service corporation; making it a felony to practice podiatry without a license; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare and Institutions and Judiciary—Criminal.

By Senator Lewis (43rd)—

SB 765—A bill to be entitled An act relating to the board of trustees of the internal improvement fund; providing that funds derived from state lands cannot be used other than for acquisition and improvement of public lands; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Lewis (43rd)—

SR 766—A resolution requesting a grand jury investigation of the operation of the Dade County Jail.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senators Beaufort, Broxson, Gunter, Arnold, Wilson, Ott, McClain, Lewis (43rd), Haverfield, Thomas, Pope and Johnson (34th)—

SCR 767—A resolution proposing that the Legislature designate October 15 of each year as White Cane Safety Day and urging the Governor to take suitable public notice and to issue a proclamation.

Was read the first time in full and referred to the Committee on Health, Welfare and Institutions.

By Senator Weissenborn—

SB 768—A bill to be entitled An act relating to public health, migrant labor camps; amending chapter 381, Florida Statutes; to provide for a change in the definition of "migrant labor camp": to provide for rule-making power over minimum living space; to provide for potable water supply in each family living unit; to provide for an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Reuter—

SB 769 SF—A proposal to be entitled An act relating to evidence;

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senator Reuter—

SB 770 SF—A proposal to be entitled An act relating to mental health;

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Pope—

SB 771—A bill to be entitled An act relating to mosquito control; amending §§388.031, 388.041, 388.061, and 388.211(1), Florida Statutes; eliminating the necessity of petitioners for the creation of a mosquito control district to freeholders; providing that all registered electors within such district shall be qualified to vote on the question of creation of such district, on a board of commissioners, or on change in district boundaries; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Pope—

SB 772—A bill to be entitled An act relating to the fitting and selling of hearing aids; amending part III, chapter 468, Florida Statutes, to provide for division of the function of fitting and selling hearing aids: providing for the exemption of batteries and cords from the definition of "hearing aid"; to provide for the redefinition of "fitting" and "selling"; providing authority for background investigation of applicants; to provide for reimbursement of travel and per diem expenses of the advisory council; to provide for eligibility of applicants whose disability of non-age is removed; to provide for eligibility of new residents; to provide for changes and additions in fees; to provide for additional grounds for denial, revocation, or suspension of certificates of registration; to provide for redefinition of unethical conduct; to provide procedure for denial, revocation and suspension of certificate; to provide for disposition of fee monies; to provide a severability clause; to provide an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Arnold—

SB 773—A bill to be entitled An act for relief of the Callahan Timber Company, Inc.; providing for an appropriation of \$1,999.66 from funds allocated to the department of agriculture and consumer services, division of forestry, or in lieu thereof, authorizing the division to set aside timber of the state representing 166.5 cords of pulpwood, for loss incurred by the company as a result of a mathematical error in the estimate made by the division, of the volume of pulpwood obtainable from a certain tract of timber offered by the state to the highest bidder; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Gong—

SB 774—A bill to be entitled An act relating to the payment of wages; amending §§532.01 and 532.02, Florida Statutes, to provide that any acknowledgment of indebtedness issued in payment of wages must be payable in cash and must be supported by sufficient funds, or an agreement with the payee, for its payment; repealing §532.03, Florida Statutes, to conform to the contents of this act; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Senate adjourned at 8:44 a.m. to reconvene at 8:30 a.m., April 19, 1971.

JOURNAL OF THE FLORIDA SENATE

Monday, April 19, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Stolzenburg—

SB 775—A bill to be entitled An act relating to taxation; method of fixing millage; amending chapter 200, Florida Statutes, by adding sections 200.031, 200.041 and 200.051, to provide that the governing and budget-making authorities of counties, tax districts and other tax levying agencies shall decrease the millage required of such county or district in proportion to the increase of the general level of assessed valuation of property; authorizing a ten percent (10%) increase in millage; providing for further millage increases in emergencies subject to limitations and review by a county budget commission or a county review commission; providing for verification of budgets and millage increases; authorizing the creation of a county review commission in certain counties and providing for performance of duties by the county officers constituting such review commission; specifying millages to be excluded from the reductions required by this act; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senators Poston and Hollahan—

SB 776—A bill to be entitled An act regulating the location, construction, operation and expansion of electrical generating plants, vesting jurisdiction over such plants in the Trustees of the Internal Improvement Trust Fund; providing definitions; providing for a declaration of public policy and legislative intent consistent with the policy of protection of the environment and natural resources of the State of Florida; providing for the issuance of permits; establishing procedures for enforcement; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Karl—

SB 777—A bill to be entitled An act relating to unemployment compensation; amending subsections (5), (7) and (13) of section 443.03, F.S., to redefine "employment", "employer", and "wages"; adding subsection (5) to section 443.04, F.S., to provide for extended benefits; amending section 443.05, F.S., to revise benefit eligibility conditions; adding subsections (4) and (5) to section 443.08, F.S., to provide for financing certain benefits; amending section 443.09, F.S. to conform coverage termination provisions; amending subsections (2) and (3) of section 443.10, F.S., to include provisions for extended benefits; amending subsection (5) of section 443.12, F.S., to provide for advisory councils; amending paragraph (a) of subsection (11) of section 443.12, F.S., to require of this state certain state-federal cooperation; amending subsection (1) of section 443.14, F.S., to remove requirement of separate bank account; amending subsection (1) of section 443.18, F.S., to require participation in certain reciprocal arrangements; and providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By the Committee on Universities and Community Colleges—

SB 778—A bill to be entitled An act abolishing the board of regents placing the division of universities directly under the state board of education; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Wilson—

SB 779—A bill to be entitled An act relating to marriage; amending chapter 741, Florida Statutes, by adding section 741-

065, providing that certain persons cannot marry without court approval; providing that certain marriages conducted in other states shall not be recognized in Florida; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Daniel—

SB 780—A bill to be entitled An act relating to the fine arts council of the department of state; amending §20.10(8) and (9)(a) and (c), and 265.29, Florida Statutes; renaming said council fine arts and humanities council; providing the secretary of state shall fill vacancies on the council and may remove any member of the council for cause; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Daniel—

SB 781—A bill to be entitled An act relating to governmental reorganization; transferring from the board of trustees of the internal improvement trust fund to the division of corporations of the department of state all powers, duties and functions relating to patents, trademarks or copyrights under §§286.021 and 286.031, Florida Statutes; adding subsection (12) to §20.10, Florida Statutes, and amending §§20.27, 286.021 and 286.031, Florida Statutes, 1970 Supplement, to effect such transfer; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Daniel—

SB 782—A bill to be entitled An act relating to snack bars, cafeterias and vending machines located in state buildings; providing that the division of building construction and maintenance of the department of general services shall have the powers, duties and functions to establish regulations to be followed by vendors and operators in state buildings, to allocate and lease space and to charge fees to vendors and operators, to establish a bureau of food management service, and to establish a "food management trust fund" to be comprised of lease and vending fees and other funds; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Daniel—

SB 783—A bill to be entitled An act relating to the Department of Commerce; amending Section 288.10, Florida Statutes, to create advisory councils for advertising, economic development, tourism, international trade and marketing; providing for the term of office and manner of selection; providing for the payment of per diem and expenses for attendance at meetings; providing their functions and duties; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Daniel—

SB 784—A bill to be entitled An act relating to the department of business regulation; amending subsection (1) of section 399.01, Florida Statutes, to transfer all powers, duties and functions relating to the enforcement of the elevator inspection law under Chapter 399, Florida Statutes, from the division of general regulation to the division of hotels and restaurants; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senators Horne, Boyd, Daniel, Saunders, Arnold, Thomas and Pope—

SB 785—A bill to be entitled An act relating to state public officers and employees; providing recomputation of retirement